

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

VICTOR VARELA, #20593-018

PETITIONER

VERSUS

CIVIL ACTION NO. 5:07-cv-65-DCB-MTP

CONTANCE REESE, et al.

RESPONDENTS

ORDER TO SHOW CAUSE

On October 2, 2008, an order was entered directing Petitioner to file a written response providing more information within twenty days. On October 9, 2008, the envelope containing correspondence from this Court to Plaintiff was returned by the postal service with the notation "return to sender." The Petitioner was warned in this Court's orders of January 28, 2008 and October 2, 2008 that failure to keep the Court informed of his address may result in dismissal of his petition. The Petitioner will be given another opportunity to comply with the Court's order. The Petitioner is warned that failure to timely comply with the requirements of the order may lead to the dismissal of his petition. Accordingly, it is

ORDERED:

- (1) That Petitioner respond to this Order to Show Cause in writing within twenty days of the date of this order, why this case should not be dismissed for failure to comply with the Court's order of October 2, 2008.
- (2) That Petitioner comply with the order of October 2, 2008 within twenty days of the date of this order, by filing a written response stating why his petition for habeas relief should not be dismissed as moot in light of the Second Chance Act of 2007, Pub. L. 110-199, Title II, § 251(a), 122 Stat. 692 (Apr. 9, 2008) or Petitioner may file a notice of voluntary dismissal.
- (3) That the Clerk is directed to mail a copy of this Court's October 2, 2008 order [4] to the

Petitioner at his last known address.

(4) That failure of the Petitioner to advise this Court of a change of address or failure to timely comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the Petitioner and may result in this cause being dismissed without prejudice and without further notice to the Petitioner.

(5) That the Petitioner is required to file his original response to this order to show cause with the Clerk, P.O. Box 23552, Jackson, Mississippi 39225-3552. Failure to properly file a response may result in this civil action being dismissed.

THIS, the 24th day of November, 2008.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE